MYSORE ACT No. 13 OF 1953.

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THE MYSORE AGRICULTURISTS' RELIEF (AMENDMENT) ACT, 1953.

(*Received the assent of the President on the Ninth Day of June 1953.*)

An Act further to amend the Mysore Agriculturists' Relief Act, 1928.

WHEREAS it is expedient further to amend the Mysore Agriculturists' Relief Act, 1928 (Mysore Act XVIII of 1928) ;

It is hereby enacted as follows :—

1. Short title.—This Act may be called the Mysore Agriculturists' Relief (Amendment) Act, 1953.

[**2—3.** Amendments made by sections 2 and 3 of the Act have been incorporated in Mysore Act XVIII of 1928.]

4. Amendment of section 24 of Mysore Act XVIII of 1928 and application to certain suits.—(1) In section 24 of the principal Act for the words " shall be deemed to be substituted for those prescribed in the second column in the Second Schedule annexed to the Mysore Limitation Act ", the words and figures " shall be deemed to be substituted for those prescribed in the second column of the First Schedule to the Indian Limitation Act, 1908 " shall be substituted and shall be deemed to have been substituted on the 1st day of April 1951.

(2) (*a*) Subject to the provisions of clause (*b*), in respect of any suit instituted on or after the 31st day of March 1953, and,

(i) pending at the commencement of this Act, the provision of Section 24 of the principal Act as amended by sub-section (1), shall be

applicable as if the said section as amended was in force at the time when such suit was instituted;

(ii) dismissed before the commencement of this Act, merely on the ground that it was not instituted within the prescribed period of limitation but which would not have been so dismissed if section 24 of the principal Act as amended by sub-section (1) was in force on the date of such institution, the court shall, on the application of the plaintiff made within a period of thirty days from such commencement and after notice to the defendant, make an order setting aside the dismissal and thereupon the provision of section 24 of the principal Act as amended by sub-section (1) shall be applicable to such suit as if the said section as amended was in force at the time when such suit was instituted.

(*b*) (i) If in any suit to which the provisions of clause (*a*) are applicable, the defendant deposits into court the costs of the plaintiff in the suit and makes an application to the court within a period of thirty days from the commencement of this Act or from the date of the order setting aside the dismissal of the suit, as the case may be, for ordering the return of the plaint, the court shall make an order returning the plaint to the plaintiff, and for payment to him of the amount deposited by the defendant.

(ii) The return of the plaint under sub-clause (i) shall not prevent the institution of a fresh suit within the period of limitation specified in section 24 as amended by sub-section (1).